

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GREGORY HENDERSON,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV 02-621-FHS-KEW
)	
MARTY SIRMONS, Warden,)	
)	
Respondent.)	

OPINION AND ORDER

Petitioner appealed this court's dismissal of his petition for a writ of habeas corpus, and the Tenth Circuit Court of Appeals reversed for further proceedings concerning how the Department of Corrections applied its policies to petitioner's 1994 Battery on Staff misconduct. *Henderson v. Sirmons*, No. 06-7038, slip op. at 9 (10th Cir. July 21, 2008). Following conferences with the parties, petitioner filed a motion to dismiss this action without prejudice. The respondent does not object to petitioner's motion and has submitted an affidavit by the administrator of DOC Sentence Administration and Offender Records, stating that 177 earned credits were restored to petitioner's sentence in Tulsa County District Court Case No. CF-92-5245.

ACCORDINGLY, petitioner's unopposed motion to dismiss [Docket #112] is GRANTED, and this action is, in all respects, DISMISSED WITHOUT PREJUDICE.

DATED this 17th day of June, 2009.



Frank H. Seay
United States District Judge